



Report to the Auburn City Council

Action Item	6
Agenda Item/No.	
City Manager's Approval	

To: Mayor and City Council Members
From: Lance E. Lowe, AICP, Associate Planner *[Signature]*
Date: January 9, 2012
Subject: Second Reading of An Ordinance to Rezone a ± 1.2 acre office complex at 461 Grass Valley Highway from the Office Business (OB) Zone to the Regional Commercial (C-3) Zone (File # RE 11-3).

The Issue

Should the City Council Adopt a Second Reading of an Ordinance to Rezone the subject ± 1.2 acre office complex from the Office Business (OB) Zone to the Regional Commercial (C-3) Zone?

Conclusions and Recommendation

Staff recommends that the City Council take the following action:

Hold a Second Reading, by Title only, of an Ordinance to Rezone the subject ± 1.2 acre office complex from the Office Business (OB) Zone to the Regional Commercial (C-3) Zone (**Attachment 1**).

Background

On December 12, 2011, the Auburn City Council held a duly noticed public hearing and adopted the draft Ordinance as presented.

A Second Reading is required to finalize the processing of the Ordinance. Should the City Council decide to adopt the Second Reading of the Ordinance on January 9, 2012, the Ordinance will become effective in thirty (30) days.

Project Description

A Rezone is proposed from the Office Business (OB) Zone to a Regional Commercial (C-3) Zone. A development project is not proposed for the 461 Grass Valley Highway properties, except for the change of zoning. Throughout the City, the OB Zone has been used as a transitional zone between residential uses and the City's Commercial Districts (i.e. C-1, C-2 & C-3). Accordingly, the OB Zone is the most restrictive commercial zone in City. The proposed Rezone to the C-3 Zone will allow additional commercial uses to be permitted within the ± 1.2 acre office complex.

According to the applicant, several perspective tenants have shown interest in the vacant tenant space(s) with the intent of establishing a retail use; however, given that the OB zone is limited to businesses and professional offices, such inquires/uses have been infeasible. Consequently, the applicant requests to have the zoning changed to C-3 to allow for retail uses.

Alternatives Available to Council; Implications of Alternatives

- A. Hold a Second Reading and adopt Ordinance as presented;
- B. Deny the Second Reading; or,
- C. Amend the Ordinance and Introduce and hold a first reading, by title only, as amended.

Fiscal Impacts

Rezoning the property from the Office Business (OB) Zone to the Regional Commercial (C-3) Zone thereby permitting additional commercial uses to be located within the office complex is anticipated to have a positive impact on the General Fund. Additional sales tax revenues are anticipated with future retail businesses.

The applicant has paid the application processing fees for the Rezone.

Additional Information

Please see the following attachments for more details:

ATTACHMENT –

- 1. Rezone Ordinance No. 12-_____ with Rezone Exhibit

EXHIBIT –

- A. December 12, 2011 City Council Staff Report with Attachments and Exhibits
(On File with the City Clerk)



ATTACHMENT

ORDINANCE NO. 12 -

AN ORDINANCE APPROVING A REZONE FROM THE OFFICE BUSINESS (OB) ZONE TO THE REGIONAL COMMERCIAL (C-3) ZONE FOR PROPERTY LOCATED AT 461 GRASS VALLEY HIGHWAY (FILE RE 11-3)

THE CITY COUNCIL OF THE CITY OF AUBURN FINDS AS FOLLOWS:

WHEREAS, the City Council held a properly noticed, public hearing at its regularly scheduled meeting of December 12, 2011, to consider the 461 Grass Valley Highway Rezone, which is proposed for the ±1.2 acre office complex. A Rezone from the Office Business (OB) Zone to a Regional Commercial (C-3) Zone, which would allow additional commercial uses to be located within the office complex is proposed.

WHEREAS, the City of Auburn City Council has considered all of the evidence submitted into the administrative record including:

1. Agenda report prepared by the Community Development Department for the December 12, 2011 City Council meeting and for the November 15, 2011 Planning Commission meeting.
2. Staff presentation at the public hearing held on December 12, 2011.
3. Documents submitted by the applicant including but not limited to the Project Description and Rezone Exhibit submitted by the applicant attached herewith as **Exhibit A**.
4. Public comments, written and oral, received and/or submitted at or prior to the public hearing, supporting and/or opposing the applicant's request.
5. All related documents received and/or submitted at or prior to the public hearing.

ATTACHMENT 1

1 6. The City of Auburn General Plan, Zoning Ordinance, and all other
2 applicable regulations and codes.

3 7. The Class 1 Categorical Exemption pursuant to Section 15301 (Existing
4 Facilities) of the CEQA Guidelines.

5
6 Whereas, the Rezone for 461 Grass Valley Highway (File RE 11-3) is:

- 7 1. Consistent with the City of Auburn General Plan; and
8 2. Not detrimental to the public interest, health, safety, or welfare of
9 the City.

10
11 THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY ORDAIN:

12 Section 1: The Zoning Map of the City of Auburn, adopted by reference
13 by Section 159.017 of Chapter 159 of Title XV of the Auburn Municipal Code,
14 is hereby amended from the Office Business (OB) Zone to the Regional
15 Commercial (C-3) Zone.

16
17 Section 2: All requirements of the California Planning Act, the California
18 Environmental Quality Act, and of Chapter 159 of Title XV of the Auburn
19 Municipal Code, including hearings upon property notice, have been fully
20 complied with by the Planning Commission and the City Council in the
21 adoption of this zoning amendment.

22
23 Section 3: This Ordinance shall take effect thirty days following its
24 adoption as provided by Government Code Section 36937.

25 Section 4: Should any provision of this Ordinance, or its application to
26 any person, parcel or circumstance, be determined by a court of competent
27 jurisdiction to be unlawful, unenforceable or otherwise void, that
28 determination shall have no effect on any other provision of this Ordinance or

1 the application of this Ordinance to any other person, parcel or circumstance
2 and, to that end, the provisions hereof are severable.

3
4 Section 5: The City Clerk shall certify to the passage and adoption of
5 this Ordinance and shall give notice of its adoption as required by law.

6 DATED: January 9, 2012

7
8
9 Keith Nesbitt, Mayor

10
11 ATTEST:

12
13 Joseph G. R. Labrie, City Clerk

14
15 I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify
16 that the foregoing ordinance was duly passed at a special meeting of the City
17 Council of the City of Auburn held on the 9th day of January 2012 by the
18 following vote on roll call:

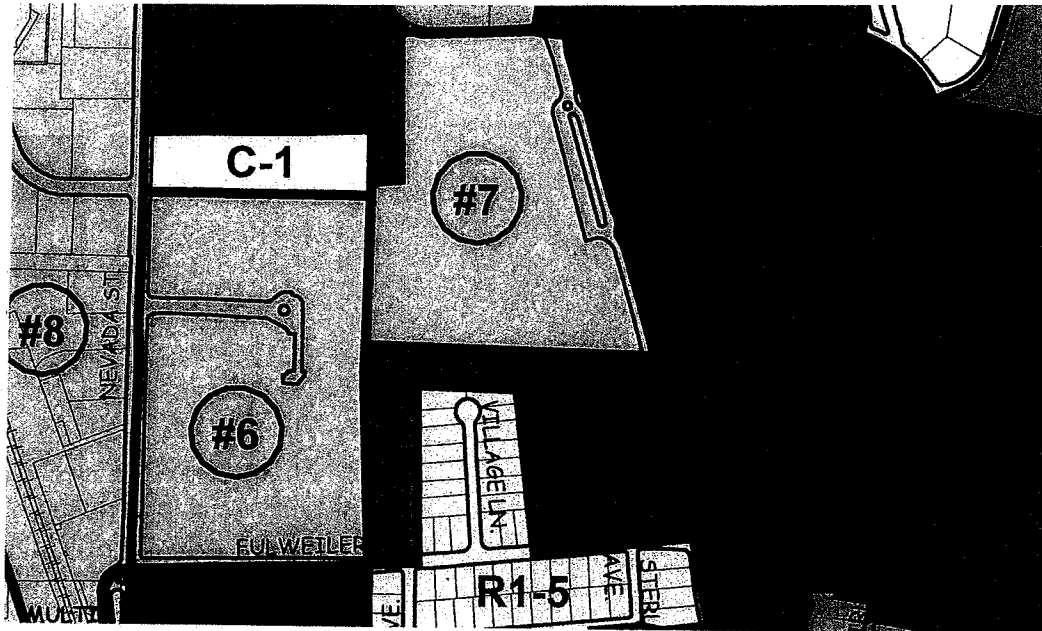
18 Ayes:
19 Noes:
20 Absent:

21 Joseph G. R. Labrie, City Clerk

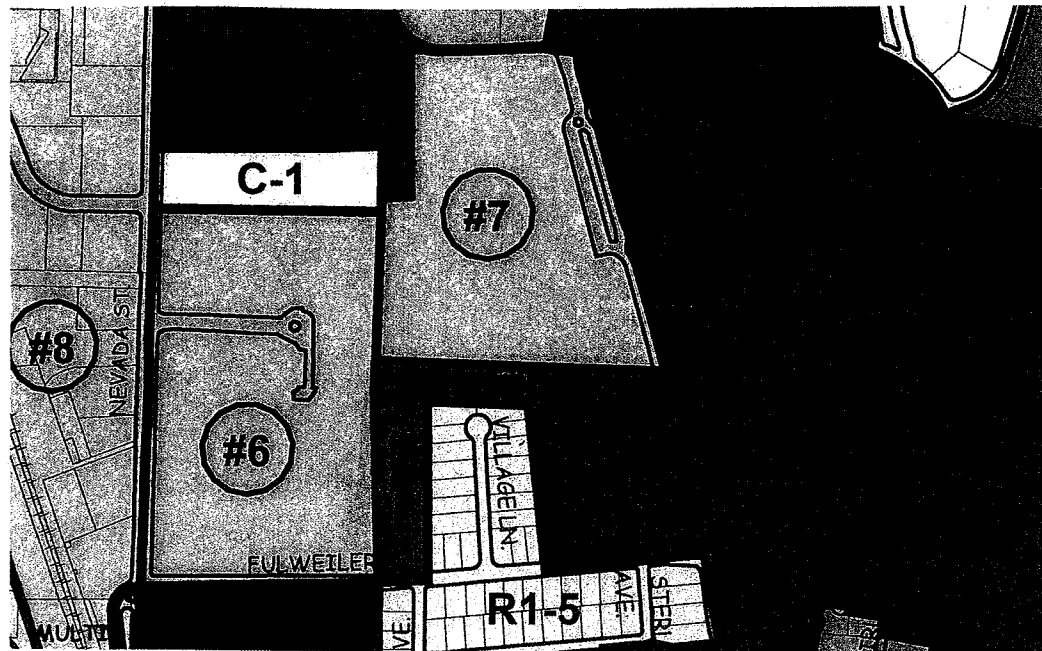
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REZONING PROPOSAL

EXISTING



PROPOSED



SHEET NO 1 OF 1



Giuliani & Kull, Inc.

Engineers • Planners • Surveyors

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Auburn • San Jose • Oakdale

SCALE: NONE

DATE: SEPT. 29, 2011

DRAWN: EMG

CHECKED: EMG

DWG NO: 11100

JOB NO: BRENNER

**REZONING EXHIBIT
LANDS OF BRENNER**

AUBURN, CALIFORNIA

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